

## Frequently Asked Questions Relating to COVID-19

(Updated May 4, 2020)

The Maine Workers' Compensation Board (the Board), understandably, is receiving many questions regarding COVID-19 and how it will/should be handled. The following list provides information regarding frequently asked questions.

**Please note, the information provided is not legal advice and is not judicially enforceable. Employers should contact their workers' compensation insurer or attorney for advice on how to handle specific situations. Employees who are represented should contact their attorney or advocate. Employees who do not have representation can contact a Board troubleshooter for more information.**

### *Are Board offices open?*

Board offices are closed to the public. Limited staff are on hand for the purpose of receiving mail, Board filings, and deliveries. However, our usual business functions, including hearings and mediations, continue using remote technology. (Please see the next page for [more information about hearings](#).)

### *My employee was exposed to COVID-19 while at work. Should I tell my insurer?*

Yes. If you are aware of a potential workplace injury, best practice is to contact your workers' compensation insurer right away.

### *I was exposed to COVID-19 while at work. Should I tell my supervisor?*

Yes, you should notify your supervisor as soon as possible. Once your employer is aware of the exposure it should notify its workers' compensation insurer.

### *Is COVID-19 covered by workers' compensation?*

As is the case with other injuries/illnesses, if an employee who has properly filed a claim can show that an injury/illness happened while at work and because of work, the employee will be entitled to workers' compensation benefits. More information about how to properly file a claim can be found [here](#).

### *How should an insurer report a case involving COVID-19 to the Board through EDI?*

When submitting a First Report of Injury:

- Nature of Injury Code (data element #0035) should be populated with code 83 (COVID-19).

- Cause of Injury Code (data element #0037) should be populated with code 83 (pandemic).

***Can I still contact a troubleshooter if I have questions about my claim?***

Yes, our troubleshooters are available by phone and are here to assist you. Here is the contact information for our troubleshooters:

**AUGUSTA**

Daniel Harrington  
(207) 287-2003  
1-800-400-6854

**LEWISTON**

Doug Lotane  
(207) 753-7707  
1-800-400-6857

**LEWISTON**

Marc St. Pierre  
(207) 753-7711  
1-800-400-6857

**BANGOR**

Michelle Syphers  
(207) 941-4567  
1-800-400-6856

**PORTLAND**

Tracy Beaupre  
(207) 822-0849  
1-800-400-6858

**PORTLAND**

Tom Profenno  
(207) 822-0848  
1-800-400-6858

**CARIBOU**

Diane Lennon-Danforth  
(207) 498-6420  
1-800-400-6855

***Will I still be able to have a worker advocate represent me?***

Yes, our advocate office remains open. You can still be assigned an advocate to represent you in your workers' compensation case. Our worker advocates are conducting client meetings by telephone.

***Will I still have my mediation?***

Yes, mediations are continuing to be scheduled and held. All mediations are being conducted by phone.

***Is the Board still conducting hearings?***

Yes, hearings are still being conducted. At this time hearings are being conducted by phone or other form of remote technology. Currently, Court Call is an option and the Board is looking into whether other methods (e.g. -- Zoom, Skype) can be used. If all parties believe an in-person hearing is necessary, parties must contact the Administrative Law Judge assigned to the case.

***May 4, 2020 Update:***

*In light of Governor Mills' announcement of a staged approach to restarting Maine's economy, questions have arisen regarding when the Board will begin to conduct in-person proceedings. While it is impossible to give a definitive answer, we are*

*presenting an outline that represents our best estimate of when we will be able to offer in-person proceedings. Please keep in mind that the following outline is based on what we know today and is subject to change. We will monitor future events and make adjustments as needed.*

*With that in mind, we expect all proceedings in May and June to be conducted via remote technology.*

*July is the earliest the Board is likely to begin offering the option of in-person hearings. As we do so, these hearings are likely to be limited to formal hearings where the parties agree in-person witness testimony is necessary. Other proceedings such as lump sum settlements and mediations, will be phased in at a later date.*

*In developing our plan, we are trying to balance the need for in-person hearings, in some situations, with the need to protect the health and safety of our employees and the public that relies on our services. We appreciate your patience and understanding as we move forward.*

***Will the Board be adjusting form filing deadlines or waiving penalties for late filed forms and payments?***

The Board does not have the authority to unilaterally change filing requirements in the statute or its rules. The Board will monitor the impact of COVID-19 on form filing deadlines as we work through this unprecedented and evolving time. We will keep Governor Mills informed of any issues that would require her executive authority. Where the Board has the discretion to waive and/or adjust penalties, issues related to COVID-19 will certainly be taken into consideration.

***Can healthcare providers submit bills for telemedicine services?***

Yes, healthcare providers may bill for telemedicine services.

***Can coronavirus stimulus checks (Economic Impact Payments) be used to reduce weekly workers' compensation benefits?***

A binding answer to this question may have to wait until a decision is issued by one of the Board's Administrative Law Judges and/or its Appellate Division. In the meantime, the Board's best practice recommendation is that the coronavirus stimulus payments, which are refundable tax credits, cannot be used to reduce weekly workers' compensation benefits. See, 39-A M.R.S.A. § 221(3)(F).